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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,872

07/10/2003

Rickey J. Thomas

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EXAMINER

BLAKE, CAROLYN T

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,872

Applicant(s)

THOMAS ET AL.

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 4, 6 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 3, 4, 6, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment and remarks filed on May 11, 2007.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 3, 4, 6, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davey (2,017,895) in view of Applicant's Admitted Prior Art (hereinafter, AAPA).

Davey discloses a hand saw (10) substantially as claimed, comprising: a handle (12) including a hand grip portion (20) and first and second blade mounting portions, said first blade mounting portion (including 24 and 27 at A) being disposed on a side surface of said handle and said second blade mounting portion (including 24 and 27 at C) being disposed on a bottom surface of said handle; and a blade (11) adapted to be removably mounted to either of said first and second blade mounting portions, wherein said handle (12) is a single, integrally formed member, and wherein said first and second blade mounting portions each include a key (27) adapted to be received in an end slot (15) in said blade to secure said blade in both lengthwise and widthwise direction of the blade (since the blade cannot be moved directly forward, backward, upward, or downward).

Davey fails to disclose the blade mounting portions each include a screw boss or a screw. However, in a prior Office action, Official notice was taken it is old and well known in the art to use a boss while attaching two parts in order to guide a fastener.

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Applicant failed to traverse the merits of this assertion, so the common knowledge is taken to be admitted prior art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a boss with the Davey device for the purpose of guiding the fastener. In addition, it would have been obvious to one of ordinary skill in the art to use an alternative fastener, such as a screw, with the Davey device since such fasteners are known equivalents.

Allowable Subject Matter

4. Claim 23 is allowed because the prior art fails to teach a hand saw wherein the inner surface of the hand grip portion is sloped toward said blade so as to be oriented at an acute angle relative to the second blade mounting portion.

Response to Arguments

5. Applicant's arguments, see pages 7 and 8 of the Remarks, filed May 11, 2007, with respect to the rejection of claims 24 and 25 under 35 USC § 112 have been fully considered and are persuasive. The rejection of claims 24 and 25 under 35 USC § 112 has been withdrawn.

6. Applicant's arguments, see pages 8-10 of the Remarks, filed May 11, 2007, with respect to the rejection of claim 23 under 35 USC § 102(b) have been fully considered and are persuasive. The rejection of claim 23 under 35 USC § 102(b) has been withdrawn.

7. Regarding claims 3, 4, 6, 24, and 25, Applicant's arguments filed May 11, 2007 have been fully considered but they are not persuasive.

Applicant argues Davey fails to teach the key-slot connection secures the blades in both a lengthwise and a widthwise direction. Applicant further argues that the Davey device creates a looser blade connection that could cause harm to the user. These arguments are not found persuasive. While the Davey connection may be looser, it nonetheless still secures the blade in a lengthwise and widthwise direction because the blade cannot move directly forward, backward, upward, or downward. In addition, while Applicant's device may be superior to Davey's, the differences between the two devices have not been set forth in claims 3, 4, 6, 24, or 25.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

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July 9, 2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER